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Date of Signature and Deposit: February 14, 2005

Zhibin Ren
Zhibin Ren 47,897

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Fritz Sieber, et al.	Date:	February 14, 2005	
Serial No.:	10/701,870	Group Art Unit:	1653	
Filed:	11/05/2003	Examiner:	Tsay, Marsha	
Title:	METHOD OF MAKING, AND THE USE OF CYTOTOXIC AGENTS CONTAINING ELEMENTAL SELENIUM		File:	650053.91649

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to an office communication dated January 24, 2005 in the above-identified application, which imposed a requirement for restriction on the applicants, the applicants provisionally select Group I, claims 1-30.

The Restriction Requirement is traversed on the basis that restriction requirements are optional in all cases. MPEP § 803. If the search and examination of a set of claims can be made without serious burden, the Examiner must examine them on the merits, even though they may arguably be directed at distinct or independent inventions. MPEP § 803.

The applicants respectfully submit that Groups I-IV claims are directed at highly related subject matter and thus can be examined together without serious burden. On the contrary, it will be unnecessarily burdensome on both the applicants and the patent office to consider the highly related subject matter in several separate patent applications. For this reason, it is respectfully requested that the restriction requirement be reconsidered and withdrawn.

Wherefore examination on the merits is respectfully requested.

No extension of time is believed to be necessary and no fee is believed to be due in connection with this response. However, if any extension of time is required in this or any subsequent response, please consider this to be a petition for the appropriate extension and a request to charge the petition fee to the Deposit Account No. 17-0055. No other fee is believed to be due in connection with this response. However, if any fee is due in this or any subsequent response, please charge the fee to the same Deposit Account No. 17-0055.

Respectfully submitted,



Zhibin Ren
Reg. No. 47,897
Attorney for Applicants
QUARLES & BRADY LLP
411 East Wisconsin Ave.
Milwaukee, WI 53202
TEL 414-277-5633
FAX 414-277-3552

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